

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

THE STATE OF TENNESSEE
and the TENNESSEE BUREAU OF
INVESTIGATION,

Defendants.

No. 2:24-cv-2101-SHL-tmp

**ORDER DENYING DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE
MOTION FOR LEAVE TO FILE REPLY**

Before the Court is Defendants’ Motion for Extension of Time to File Motion for Leave to File Reply. (ECF No. 56.) Defendants request a fourteen-day extension to seek leave to file a reply in support of their Motion for Certification. (Id. at PageID 550.) Plaintiffs oppose the motion.

In support of their motion, Defendants assert that an extension is warranted because the parties in the OUTMemphis case have been having conversations that may result in the resolution of some claims in that case. Defendants contend that such a resolution would impact the pending Motion for Certification. They argue that if they are forced to respond now, “the Court will either miss the benefit of the actual facts or be asked to entertain supplemental briefing on the motion.” (ECF No. 56-1 at PageID 555.)

“A party cannot raise new issues in a reply brief; [they] can only respond to arguments raised for the first time in opposition.” In re: Firstenergy Corp. Sec. Litig., 316 F. Supp. 2d 581, 599 (6th Cir. 2004). If, as Defendants assert, the conversations with the OutMemphis plaintiffs

“will substantially affect the issues presented by their Motion for Certification,” these changes are not appropriately addressed in a reply. Thus, Defendants’ motion is **DENIED**.

IT IS SO ORDERED, this 2nd day of July, 2024.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE